

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Monday, March 4, 2013, was called to order at 7:30 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, John Maher, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone.

PUBLIC COMMENT

1. Victor Rodite, Slate Belt Council of Governments. Victor thanked Council for partnering with the Slate Belt COG on the Gaming Grant on the GIS program. He is proposing to purchase equipment that will be able to run GIS on and a printer that will allow the printing of the large zoning map up to 44" wide by any length. Victor stated that as long as he is there, the cost to the Borough of Wind Gap will be half of what Staples would charge the Borough. Other municipalities in the COG will receive a discount of 20%-25%.

Victor had previously met with George to discuss the potential of Wind Gap taking the lead to invite the adjacent municipalities of the Pen Argyl Area School District to meet. The officials could discuss areas of co-operation and areas that the Slate Belt Council of Government could be of assistance. Victor offered his assistance in coordinating the meetings to make it happen.

The COG has begun a process of hosting forums prior to the regular COG meetings from 6:00 p.m. – 7:00 p.m. The last forum was in regard to recreation and open space preservation. The next forum is scheduled for March 27, 2013 from 6:00 p.m. – 7:00 p.m. at the Chamber office and will be presented by John Maher focusing on Geographic Information System (GIS) and art.

Victor provided information regarding a summer program league. Bangor Area Recreation Committee (BARC) discussed assuming the responsibility in anticipation of being self-sufficient in three years and be self-sufficient so that they could pay for it themselves. He suggested that this could be an area of discussion when meeting with the school district municipalities.

2. Scott Parsons, Northampton County Councilman. Scott informed that he is trying to get around to all municipalities. He wanted Council to be aware of funding that is available and could be beneficial to the Borough. The Borough already knows about the grant money for the Parks. Alicia Karner, Northampton County Economic Development, oversees a program called the Keystone Opportunity Zone (KOZ). The Borough is currently involved in selling and purchasing real estate and the KOZ might assist in the sale of the Borough building and the fire company facility. It is a tax abatement program; they hold the taxes for ten years so it is an incentive to purchase real estate. It has to be approved by the Borough and the School District first, then it goes to the County and then onto the State for their approval. Northampton County just approved the old Dixie Cup property in Easton for the program and he believes that Wind Gap could apply for their properties also.

Anthony Biondo heads a committee called the Slate Belt Forward and they are meeting on Wednesday, March 13, 2013. There is a Neighborhood Assistance Program, for store fronts, facades, and sidewalks and the hope is that Portland, Bangor, Pen Argyl and Wind Gap would all join to get it started. The program was first started in the larger cities, but the hope is that the Slate Belt communities

would unite to apply to the State for funding. The Borough would be able to offer businesses a tax deferment option and could potentially by an 87% tax break.

Scott reported that the COG had an interesting seminar last week. He informed Council that Victor Rodite will be retiring at the end of this year. Scott congratulated Wind Gap and Jeff Yob for the work done during Superstorm Sandy last year. In regards to Emergency Management, Wind Gap is in good shape compared to other municipalities in Scott's district.

3. Clyde Bellis, 449 Maple Street, Wind Gap behind Spruce Alley which is an ordained alley in the Borough. He stated that his house and garage sit where the land tapers down on both sides and right now the furniture in his garage has to be up on blocks. Clyde asked Council to have the engineer or the street department look at the water issue on his property.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the February 19, 2013 Council meeting and seconded by Tony Curcio. Roll call vote taken. In favor: T. Curcio, K. Gassler, D. Hess, G. Hinton, J. Maher, J. Weaver. Abstained: J. Faust. Motion carried with a vote of 6-0-1.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of February 2013 in the amount of \$31,955.50 and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of January are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Prepare SALDO Waiver Request form re: Wind Gap Minor Subdivision (on Lehigh Street). January 24, 2013 – attendance at meeting with Borough Officials and Bank Representatives on status of the completion of required Improvements in Gap View Estates Major Subdivision fka Posh Properties major Subdivision (on First Street).

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Receipt, review and administration of revised and finalized documents (including Agreement of Sale, Deposit Agreement and Escrow Agreement) in purchase of Emerald Property tract. (Included several e-mails and several telephone conferences.) Receipt, review and administration of telephone calls and e-mails re: Male Road Bridge repairs, Prepare first drafts of Advertising Notice and Adopting Ordinance (under the PA Local Government Unit Debt Act – LGUDA) for purchase of Emerald property tract.

Developments on Outstanding Litigation: N/A.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Preparation of Monthly Solicitor's Report. Receipt, review and administration of LGUDA documents – Debt Statement and Borrowing Base Certificate. Receipt, review and administration of final draft of the Teamsters Contract with the Road Crew, suggest revisions, prepare written Memo to Borough with those revisions and negotiate and finalize the contract with Union Representative. Preliminary review of the revised Nuisance Ordinance (prepared by the Borough Committee in lieu of the Property Maintenance Code Ordinance).

Outstanding Items: Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments, Stop Sign Ordinance, Dog Park Ordinance, Fire Company Ordinance, Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending. Ordinance for loitering, begging and panhandling – pending but

inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

He asked that Council add under New Business on the agenda the Adoption of the Resolution necessary to confirm that the Borough had negotiated a private agreement with Merchant's Bank for the loan of the \$1.5 million and also that the Adoption of Ordinance 480 which is the ordinance for the Borough to agree to issue a Note secured by both Full Faith in Credit and a Mortgage for the West Street property and the Ambulance property for that \$1.5 million.

ENGINEER'S REPORT

Brian Pysher reported that Council should have a copy of the Emerald Property Subdivision (MSG property). Because a portion of the property is located in Plainfield Township, the Borough will be subjected to Plainfield Township subdivision requirements. Brian suggested to Council that they request a waiver of the subdivision requirements from the Plainfield Township Supervisors since only a small portion of land is located in the township. Brian drafted a letter outlining the current and future intentions of the property and asked Council to review and approve it so he can drop off both the letter and the plan to the Plainfield Township municipal office tomorrow because they meet next Wednesday. Brian stated that if the Supervisors do not grant a waiver then the plan will have to go through the entire planning process and that could take a couple months.

Brian is still waiting for the third contractor to submit a bid for the Male Road bridge repairs. He will follow-up and give them a deadline of Friday, March 15, 2013. He asked that this be discussed at the mid-month meeting, Tuesday, March 19, 2013.

Ron asked if the West Street Subdivision Plan will be before the Wind Gap Planning Commission this Thursday, March 7, 2013 for review and discussion. Brian confirmed that it will be this Thursday. Ron asked that Brian provide a copy of the plan to him for his file.

NEW BUSINESS

1. Wind Gap Borough – Conditional Preliminary/Final Plan Approval. Brian reported that the Lehigh Street Subdivision plan was submitted to the Wind Gap Planning Commission. The alternate engineer reviewed the plan and made some suggested changes. One of the main comments was addressing individual lot storm water issues which would require prior to anyone building a house on the lots; they would have to provide a grading plan. Those changes have been made on the plan so now Council can act upon the Planning Commission's recommendations.

On motion by John Maher to approve the following Recommendations for Grant of SALDO Waiver by the Planning Commission for the Wind Gap Borough Minor Subdivision:

SALDO Section 402.C.4 requires various features within 200' feet of the site to be shown on the plan. The Planning Commission recommends waiver (vote 5-0) since this information is not necessary and would require additional costs to be incurred with the Planning Professional and would add nothing to ease a plan review.

SALDO Section 509.J.1a requires lots access and/or front a public or private street. The Planning Commission recommends waiver (vote 5-0) since there is access by School Alley (which is an ordained alley).

SALDO Section 510.A.2 requires a 15' planting screen/buffer. The Planning Commission recommends waiver (vote 5-0) to a 4' buffer yard due to space limitations; and while this is a minor performance standard, the Borough is still providing a reduced standard rather than omitting the standard entirely.

SALDO Section 510.A.4 requires the parking lot to not be within 10' of the side and rear lot lines and 20' alley right-of-way. The Planning Commission recommends waiver (vote 5-0) to allow the parking lot to be within these setbacks due to space limitations and the parking lot will be a benefit to the Borough residents.

SALDO Section 513 requires 20' drainage and utility easements along the property lines. The Planning Commission recommends waiver (vote 5-0) to only 10' wide easements due to space limitations; and, while this is a minor performance standard, the Borough is still providing a reduced standard rather than omitting the standard entirely.

SALDO Section 514.D.2.d requires plantings to be within a 5' setback from the property line. The Planning Commission recommends waiver (vote 5-0) to allow closer plantings due to space limitations; and, while this is a minor performance standard, the Borough is still providing a reduced standard rather than omitting the standard entirely.

and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by John Maher to sign the Agreement for Conditional Plan Approval, both preliminary and final plan and the form "Accept the Conditions for the Wind Gap Minor Subdivision Plan" which includes:

- Certification from Wind Gap Sewer Authority re: ability to hook-up and available capacity.
- Certification form PA American Water Co. re: ability to hook-up and available capacity
- Compliance with all conditions set forth in Borough Alternate Engineer's Review Letter of December 3, 2012, Nos. A-2, C-1, C-3 (soil erosion sedimentation and control plan needed prior to development of the lots), C-7, C-8, C-17, C-18, C-22 (Borough to maintain the planting screen), C-23 (one street tree to each lot).
- Monuments, pins and/or markers to be set in the field and certified, in writing, by the Borough Engineer.
- Zoning Variance to be noted on the Plan (w/2 hr. parking and signage)
- SALDO Waivers to be noted on the plan
- Signature and Notarization of Plan with Benchmark
- Notarization of Plan

and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by John Maher grant Conditional Preliminary/Final Plan Approval for the Lehigh Street Subdivision Plan and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

2. Resolution approving the Issuance of a General Obligation Note by Private Sale by Negotiation (as opposed to a public sale) such Note in the Amount Not-To-Exceed \$1,537,065 for Sundry Purposes. George re-iterated that the purchase price of the Emerald Property is \$1,350,000, but with the combination of the outstanding loan on the Wind Gap Ambulance property the total loan will be for \$1,537,065. Ron explained that the law allows the Borough to privately negotiate with the bank for this note as opposed to having to put this out to bid as long as there is a resolution in place.

On motion by John Maher to approve Resolution 2013-02 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Ordinance 480.

On motion by John Maher to adopt Ordinance 480 which allows for Increasing the Indebtedness of the Borough of Wind Gap, Northampton County, Pennsylvania by the Issuances of a General Obligation Note In the Amount Not-to-Exceed \$1,537,065 for sundry purposes; fixing the form, number, date, interest and maturity thereof; making a covenant for the payment of the debt service on the note; providing for the filing of the required documents; providing for the appointment of a sinking fund depository for the note; and authorizing execution, sale and delivery thereof and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

Ron stated that now since this ordinance was adopted he is obligated to advertise for a second time in the newspaper advising the public that this ordinance has now been adopted. That advertisement has to go in within fifteen (15) days of today. Once that advertisement goes in, there will now be a package prepared and sent to Pennsylvania Department of Community and Economic Development for approval of the loan. PA DCED must approve and sign-off on the loan. That package will include copies of the ordinances, resolutions, and the proofs of publications, debt statements, and statements of account prepared by the Borough Auditor. Ron has received title searches back from both properties and he will review the various rights for the utilities. He will review the possibility of any restrictions on the original plan and if Brian is comfortable with any restrictions then the Borough has clean title on the properties. Brian added when the original subdivision was done to cut off the property where the kidney center sits they dedicated a portion along West Street and Longcore, but he could only find record of dedication along West Street. He will have to provide a new description along Longcore and another Deed of Dedication may need to be done. He does not believe that this affects the agreement. The Borough is obligated to notify the seller and his counsel if there are any title problems that the Borough has an issue with sometime in April.

OLD BUSINESS

1. Nuisance Ordinance.

On motion by John Maher to adopt the changes that have been made to Ordinance 455 and seconded by Tony Curcio.

Dave Hess questioned whether the Borough still wants to include in the ordinance that they will only act upon legitimate complaints and not anonymous complaints. Council agrees that this must be included in the ordinance.

Amended motion by John Maher to adopt the changes that have been made to Ordinance 455, with the inclusion under Section 17 specifying that it will only act upon legitimate written, signed complaints and not anonymous and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously. Ron will prepare this for advertisement.

2. Vehicle Repairs. George provided Council with a proposal for vehicle repairs. The Borough has had some difficulties getting repairs done to vehicles related to mechanical issues, tire issues, so he went to Wind Gap Chevy-Buick to ask if they would provide a price list for hourly mechanic labor rates. He anticipates that the Borough street workers can do the general maintenance such as oil and filter changes to the borough vehicles. Wind Gap Chevy-Buick can get tires from Jack Williams Tire under the state contract and then Jack Williams would just send the Borough the bill. Wind Gap Chevy-Buick would do the mounting/balancing and disposal of tires for \$17.95. He asked Council to look this over and discuss it further at the workshop meeting.

3. Park Board Vacancy.

On motion by John Maher to appoint Bob Holland to the Wind Gap Park Board and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of March 4, 2013 and seconded by John Maher. Council agreed unanimously.

The meeting of March 4, 2013 adjourned at 8:24 p.m.

Louise Firestone, Borough Administrator